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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,476	06/24/2003	Edwin G. Duffin	P-9797.00	7245

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MEDTRONIC, INC.
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EXAMINER

KAHELIN, MICHAEL WILLIAM

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,476

Applicant(s)

DUFFIN ET AL.

Examiner

Michael Kahelin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04052004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 12-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/21/2005.
2. Applicant's election with traverse of claims 1-11 in the reply filed on 10/21/2005 is acknowledged. The traversal is on the ground(s) that examination of the multiple inventions does not constitute an undue burden on the examiner. This is not found persuasive because undue burden is shown, and restriction proper, if the inventions have acquired separate status in the art. This separate status was shown by the different classifications given in the communication filed on 9/23/2005.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 4/5/2004 is noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

4. It is suggested that the headings not be underlined.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 5, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sluetz et al. (Re. 31,990).

7. In regards to claim 1, Sluetz et al. disclose a system comprising an array of electrodes (68 and 69), an assembly of insulated conductors (65), a lead connector with a linear array of contacts (Fig. 1), a pulse generator with a connector bore (18), and a means for reversibly locking the connector along multiple positions in the bore (col. 6, line 21).

8. In regards to claim 2, the array comprises a first and second selected electrode (68 and 69) with a first and second connector (10 and 20), connected to a first and second contact (16 and 17).

9. In regards to claim 5, the means for locking the connector includes a deflectable member projecting into the bore (25).

10. In regards to claim 9, the means for locking includes an actuated member (27 and col. 6, line 3).

11. In regards to claims 10 and 11, the array of electrodes is circumferential because the electrodes encircle the lead and linear because they are spaced linearly along the lead.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claim 3 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sluetz et al. Sluetz et al. discloses the features of the claimed invention, including the application to a cascaded array of any number of electrodes (col. 3, line 54), as well as a conductor that is engaged, regardless of position (5, 20, and 55), but does not expressly disclose a second contact that is equal to the length of the array. The combination of these two factors, namely constant engagement of one contact and additional electrodes, renders Sluetz et al.'s invention inherently equivalent to the claimed invention. Alternatively, Sluetz et al. teach of

providing an electrode selection system with a conductor that engages a device contact at each of several positions to change the electrode configuration from stimulation to sensing, make the ground electrode a stimulating electrode, or alter the output in any other fashion (col. 6, line 46). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Sluetz et al.'s invention with a connector contact that engages a device contact at each of several positions.

15. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sluetz et al. in view of Bischoff et al. (5,843,141). Sluetz et al. disclose the essential features of the claimed invention except for an insertion tool and a set of spacers with surface depressions in which deflectable members rest. Bischoff et al. teach of providing a multiple connector lead system with an insertion tool to easily pull the lead into cooperation with the energy applicator and a set of spacers with surface depressions in which deflectable members rest to electrically isolate the electrodes and provide a fixation means for the lead. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Sluetz et al.'s invention with an insertion tool to easily pull the lead into engagement with the energy applicator and a set of spacers with surface depressions in which deflectable members rest to electrically isolate the electrodes and provide a fixation means for the lead. Please note that the surface depressions can be seen in Figure 6.

16. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sluetz et al. in view of Peers-Trevarton (4,469,104). Sluetz et al. disclose the essential

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features of the claimed invention except for deflectable members that rest in surface depressions on the contacts and deflectable members that rest in depressions apart from the array of contacts. Peers-Trevarton teach of providing a multiple electrode connection device with deflectable members that rest in surface depressions on contacts (140) to ensure a close electrical communication between the two contacts and deflectable members that rest in depressions apart from the array of contacts (101) to create a barrier between fluids and the contacts and provide a tight fit for the lead in the bore. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Sluetz et al.'s invention with deflectable members that rest in surface depressions on contacts to ensure a close electrical communication between the two contacts and deflectable members that rest in depressions apart from the array of contacts to create a barrier between fluids and the contacts and provide a tight fit for the lead in the bore. Please note that the examiner is interpreting the surface depression in which the deflectable member rests is the unlabelled feature in proximity to element 172 in Figure 1.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other examples of lead connectors are provided.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kahelin whose telephone number is (571) 272-8688. The examiner can normally be reached on M-F, 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MWK



GEORGE R. EVANISKO
PRIMARY EXAMINER

11/2/5